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09/513,005	02/25/2000	James Carlton Bedingfield	36968/187943	6967

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EXAMINER
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FOSTER, ROLAND G

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/513,005

Applicant(s)

BEDINGFIELD ET AL.

Examiner

Roland G. Foster

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 13-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

***Response to Arguments***

On pages 8 and 9 of the amendment, filed on October 02, 2003 as Paper No. 11, (the "amendment"), the applicant argues with respect to claim 13 that:

The '639 patent [U.S. Patent No. 5,812,639 to Bartholomew] does not...disclose...a "determination" of whether the message may be transferred between the first and second voice mail servers based on the identities of the first and second voice mail servers.

...

Rather, the '639 patent simply determines the existence and identity of the recipient voice mailbox.

Although the applicant's arguments have been duly considered, they are not deemed persuasive.

First, applicant's characterization of what Bartholomew discloses actually reads on the claimed limitation at issue. Specifically, the applicant argues that Bartholomew discloses determining the existence and identity of the recipient voice mailbox, which in turn reads on the claimed determination of whether the message may be transferred between the first and second voice mail servers as claimed by the applicant. That is, without determining the existence and identity of the second (destination) voice mailbox, no messages may be transferred between the first and second mailbox.

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In addition, Bartholomew discloses that the system determines whether the mailbox in the first voice mail system (message originator) is authorized to communicate with a second voice mail system (col. 10, lines 64-67). Determining whether a mailbox is authorized to communicate with another mailbox goes to determining whether a message may be transferred between them. Note also that the second voice mail system (message recipient) is separately authorized when the ISCP associated with the second voice mail system determines if the recipient is authorized to use mailbox to mailbox transfer in order to reply to the received message (col. 28, line 61 - col. 29, line 2) (see also page 7 of the Office action, mailed on April 01, 2003 as Paper No. 8) (the "Office action").

On pages 9 and 10 of the Office action, the applicant argues with respect to claim 19 (old claim 20) that Bartholomew fails to "associate an identity code of a voice mail server with the location of the voice mail server."

Although the applicant's arguments have been duly considered, they are not deemed persuasive. Bartholomew discloses that the system provides a routing label that identifies the originating address (identity code) of the first voice mail server (col. 37, lines 15-20) as discussed in the prior Office action (see page 4 of

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the Office action).<sup>1</sup> The identity code (address) comprises location point code information such as member, cluster, and network identification that also locate the server within the network.<sup>2</sup> Id. Therefore, the identity code (address) is associated with member, cluster, and network identification information that "point" to (locate) the voice mail system on the network.

On page 10 of the Office action, the applicant argues with respect to claim 19 (old claim 20) that Bartholomew "fails to disclose any association of a voice mail server's identity code with agreements between service providers." The applicant then argues that the examiner's reference to the authorization (validation) step in the claim 13 rejection is insufficient to disclose association of identity code with agreements between service providers.

Although the applicant's arguments have been duly considered, they are not deemed persuasive. The authorization step is an agreement between the voice mail server provider and the ISCP that the ISCP will provide network call services to the voice mail

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<sup>1</sup> Equating the identity code with an address is consistent with the applicant's specification (e.g., Table I, page 24).

<sup>2</sup> The specification fails to set forth a clear, non-exemplary definition of how the identity code is "associated" with the location data or what the location data comprises (e.g., page 24). Therefore, the examiner's interpretation is reasonably broad especially regarding the broad term "associating". For example, an address

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system if the voice mail system is properly authorized and validated with the ISCP. Because the ISCP returns the voice mail server address (identity code) in the routing label during the authorization process, the identity code is then associated with the service agreement behind the authorization. Note also that the examiner sets forth additional arguments in the Office action such as the routing label (part of the authorization process repeatedly referred to) includes business agreements such as the use of specific interexchange carriers during certain time periods (col. 44, lines 42-58).

The applicant also argues on pages 10 and 11 with respect to claim 20 (old claim 21) that Bartholomew fails to disclose the "exchange of data" or "whether the data may be passed between the customers' messaging servers" based on business rules.

Although the applicant's arguments have been duly considered, they are not deemed persuasive. The applicant fails to actually recite "exchange of data" therefore the applicant's arguments regarding this are not deemed persuasive. Nonetheless, the voice mail to voice mail exchange of voice mail information is an exchange of data that is passed between the customers' messaging

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is well known in the art to comprise location data and therefore the address is associated with location data.

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servers. The exchange is governed by business agreements such as authorization agreements and the use of specific exchange carriers during certain time periods (as discussed above).

Applicant argues on pages 11 and 12 of the amendment with respect to claim 27 (old claim 28) that the ISCP does not provide a directory.

Although the applicant's arguments have been duly considered, they are not deemed persuasive. The ISCP is a directory server that clearly performs directory services (providing identities and addresses of network devices such as servers) as recited in the claim. See page 8 of the Office action for further details. Indeed, the applicant argument is inconsistent because the applicant fails to argue that the recited directory query in independent claim 13 is not anticipated by Bartholomew.

For the above reasons, the applicant's arguments are not deemed persuasive and the following rejections are repeated except where any new grounds of rejection is due to the amendment in the claims.

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***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 13-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Bartholomew et al. (U.S. Patent No. 5,812,639) ("Bartholomew"), as used in the last Office action.

With respect to claim 13, see the following paragraphs for details on how Bartholomew anticipates particular limitations within the claim.

The limitation "a. querying at least one directory in order to identify a first voice mail server associated with a caller originating a message and second voice mail server associated with a recipient of the message" reads on col. 10, line 42 - col. 11, line 7 and col. 27, line 40 - col. 28, line 67 as follows. A TCAP query is made from an SSP to an ISCP directory in order to identify whether a first mailbox associated with a caller (message



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originator) is "authorized to communicate mailbox-to-mailbox" and the "existence and identity of a mailbox for the called number" (emphasis added). If so authorized and validated, then the ISCP then provides routing label to the SSP that identifies the destination address of the second voice mail server (Figs. 2, 3, and col. 37, lines 15-20) so that the SSP can send the message in SS7 packets to a recipient mailbox in the second voice mail server. The routing label also identifies the destination address of the first voice mail server providing first (originating) mailbox in the case where the message recipient returns the message (col. 28, lines 61-67 and col. 37, lines 15-20). Therefore, the directory query has resulted in the identification of both the first and second voice mail servers.

The limitation "b. determining, based on the identities of the first and second voice mail servers, whether the message may be transmitted between the first and second voice mail servers" reads on the authorization and validation step discussed above where it is determined whether the voice mail servers, which provide the respective mailbox services, may communicate. That is, determining whether a mailbox is authorized to communicate with another mailbox

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goes to determining whether a message may be transferred between them.<sup>3</sup>

With respect to claim 19, see the following paragraphs for details on how Bartholomew anticipates particular limitations within the claim.

The limitation "ascertaining an identifier associated with the calling party" reads on the calling station identification which is ascertained in the TCAP query to the ISCP (col. 28, lines 1-5).

The limitation "using the identifier to determine the identity code that identifies the first VMS and correlates with the subscriber" reads on the ISCP which, in response to the TCAP query provides a routing label that identifies the originating address (identity code) that identifies of the first VMS as discussed in the claim 13 rejection above.<sup>4</sup> See also col. 37, lines 15-20.

The limitation "associating the first voice mail server's identity code with information selected from a group consisting of: the location of the first voice mail server, the identity of the

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<sup>3</sup> Note also that the second voice mail system (message recipient) is separately authorized when the ISCP associated with the second voice mail system determines if the recipient is authorized to use mailbox to mailbox transfer in order to reply to the received message (see col. 28, line 61 - col. 29, line 2 as discussed in claim 20 rejection supra for further details).

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first service provider operating the first voice mail server, and the existence of agreements between the first service provider and the other service providers" reads on Bartholomew as follows. The voice mail server's identity code is associated with the originating address (location) of the first voice mail server as discussed in the claim 13 rejection above.<sup>5</sup> The routing label, which contains the identity code, also as discussed above, also contains the network identification (Fig. 3) which identifies the network providing the voice mail services (e.g., the service providing network associated with SSP 314 and voice mail system 374 of Fig. 4). Note also that the billing functions performed by the ISCP 350, which are based upon the determined identity codes, would also identify the proper service providers in order to accurately bill for use of the identified voice mail system. Regarding the existence of agreements, see the authorization (validation) steps as discussed in the claim 13 rejection above which signifies an agreement to support mailbox to mailbox transfers between specific voice mail server identity codes. See also col. 44, lines 42-58 where the routing label (containing the voice mail server identities) also reflects business agreements such as use of

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<sup>4</sup> See also footnote 1.

<sup>5</sup> That is, the address (identity code) (as discussed above) comprises location point code information such as member, cluster, and network identification that "points to" (locates) the server within the network (e.g., col. 37, lines 15-30). See also footnote 2.

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specific interexchange carriers during certain time period (col. 44, lines 42-58).

The limitation "determining whether the receiving caller may communicate with the first voice mail server in response to the message" reads on col. 28, line 61 - col. 29, line 2 where the ISCP 352 associated with the "receiving caller" (message recipient) determines if the receiving caller is authorized to use mailbox to mailbox transfer in order to reply to the receive voice mail (communicate with the first voice mail server).

With respect to claim 20, see the claim 19 rejection for further details. The "messaging servers" read on the VMS(s) of claim 19. The "customers of different companies operating the messages servers" of claim 19 reads on the subscribers to the VMS(s) which are operated by different service providers (companies) (col. 26, lines 54-65). The exchange of data is governed by business rules such as use of specific interexchanges during certain time periods as discussed in the claim 19 rejection above. The use of an interexchange carrier is also a business law (regulation) (col. 39, lines 57-63).

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With respect to claim 27, see the following paragraphs for details on how Bartholomew anticipates particular limitations within the claim.

The limitation "two or more messaging servers, at least the first and second which are (i) located in different LATAs or in different geographical regions, (ii) share a common message transfer protocol, or (iii) are operated by different service providers" reads on Bartholomew' 639 as follows. Two or more messaging servers 374 and 376 are located in different geographical regions, share a common message transfer protocol, and are operated by different service providers (Fig. 1, 4, and col. 26, lines 54-65). Each regional network operates within a LATA (col. 39, lines 57-65).

The limitation "a directory that stores the identity of two or more messaging servers and responds to an inquiry from the second messaging server by providing at least the identity of the first messaging server" reads on the TCAP query to the ISCP directory server and subsequent routing label response as discussed in the claims 13 and 18 rejections above. The inquiry to the second messaging server occurs when the ISCP 352 associated with the message recipient determines whether the recipient is authorized to

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use a mailbox to mailbox transfer in order to reply to the received voice mail as discussed in the claim 19 rejection above.

The limitation "a database, associated with the directory, that specifies rules governing the exchange of data between messaging servers" reads on the ISCPs which contain a database governing the exchange of data between the messaging servers, such as by providing authorization for mailbox to mailbox transfers, routing instructions, and business agreements such as the selection of interexchange carriers and billing as discussed in the claims 13 and 20 rejections above.

The limitation "wherein, in response to the query from the second messaging server, the directory either validates or denies the proposed message transfer between the first and second messaging server" reads on the ISCP 325 authorization (validation) step as discussed above.

With respect to claim 28, see the following paragraphs for details on how Bartholomew anticipates particular limitations within the claim.

The limitation "(a) determining (i) a first identity code associated with the message initiator and (ii) a second identity

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code associated with the message recipient" reads on the ISCP directory query as discussed in the claim 13 and 19 rejections above which determines the first address (identity code) associated with the message initiator and the second address (identity code) associated with the message recipient.

The remaining limitations clearly read upon the ISCP database query and authorization (validation) steps as discussed in the claim 13 rejection above.

Claim 30 differs substantively from claims 13 and 28 in that claim 30 recites additional limitations directed to sending a validation acknowledgment to the originating server that the message may be sent. This limitation reads on the response message sent from the ISCP to the SSP when the authorization and validation steps occur as discussed in the claims 13 and 28 above. This response message acknowledges to the SSP (originating server) that the message may be sent by the SSP. See also col. 10, line 67 - col. 11, line 7.

With respect to claim 14, the routing instructions provided by the ISCP "locate" both the first and second voice mail servers in order to successfully route the SS7 packets to them as discussed in

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the claim 13 rejection above. The service providers are the SSPs associated with each voice mail server.

With respect to claim 15, see col. 28, lines 1-5.

With respect to claim 16, see the claim 13 rejection for further details.

With respect to claims 17 and 23, the selection of interexchange carrier is an applicable regulatory rule that allows the exchange of long distance data transactions but only through an interexchange carrier. The selection of an interexchange (i.e., long distance carrier) is based on the locations of the first and second servers. See the claim 20 rejection and col. 39, lines 58-63 for further details.

With respect to claim 18, see the validation (authorization) step as discussed in the claim 13 rejection which determines whether message transmission may proceed if the identity of the voice mail servers are different.

With respect to claims 21 and 21, see the claim 14 rejection for further details.



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With respect to claim 24, see the claim 13 rejection for further details.

With respect to claim 25, receipt of a return message as discussed in the claim 13 rejection above would serve as a confirmation that the original destination entered by the caller was correct.

With respect to claim 26, see col. 29, lines 14-26.

Claim 19 recites various combinations of limitations equivalent to limitations previously discussed above. For example, see the claims 13, 14, 17, 19, 20, 23 and 30 rejection above for additional details.

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**Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

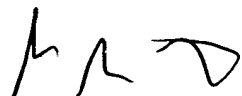
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roland Foster whose telephone number is (703) 305-1491. The examiner can normally be reached on Monday through Friday from 9:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S. Tsang, can be reached on (703) 305-4895. The fax phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 306-0377.



Roland G. Foster  
Primary Patent Examiner  
January 22, 2004